

COMMISSION ON APPELLATE COURT APPOINTMENTS

MINUTES

September 28, 2020

PRESENT: Chief Justice Robert Brutinel, Chair; Ammon Barker; Jaime Chamberlain; Buchanan Davis; William Gresser; Tracy Munsil; Gerald Nabours; Jonathan Paton; Daniel Seiden; Larry Suci; Kathryn Townsend; Tina Vannucci; Linley Wilson and James Zieler

TELEPHONIC: Laura Ciscomani

ABSENT: Kevin Taylor

Chief Justice Robert Brutinel called the meeting to order at 9:30 a.m. to screen applications for a vacancy on Division One of the Arizona Court of Appeals created by the retirement of Judge Kenton Jones.

Public Comment

Chief Justice Brutinel called for comment from the public on the applicants. He reminded the speakers that they are limited to three minutes per candidate and asked them not to repeat comments by previous speakers about the same candidate.

Greg Novak spoke on behalf of Robert Higgins.
Robert Schmitt spoke on behalf of Andrew Becke.
Jessica Sanchez spoke on behalf of Brian Furuya.
Matt Smith spoke on behalf of Rick Williams.
Paul Senseman spoke on behalf of Brian Furuya.

Disqualifications and Disclosures

Chief Justice Brutinel asked the Commission members if there were any disqualifications and/or disclosures. He explained the conflict of interest portion of the Rules of Procedure and reminded the members that he does not vote unless there is a tie

Ammon Barker disqualified himself from voting on Brian Furuya as they currently work in the same office. He also disclosed that Jared Holland is a lawyer in his community and knows him from Flagstaff. and that he clerked together with Benjamin Kreutzberg at the Coconino County Attorney's Office after law school. Mr. Barker also disqualified himself from voting on Serena Serassio as they worked together for 8 years and knows her personally.

William Gresser disclosed that Andrew Becke and his son worked together in the past.

Gerald Nabours disclosed that he knows the current applicants from Flagstaff but has never practiced with or against any of them.

Jonathan Paton disclosed that he spoke to Andrew Becke and his wife serves together with Mr. Becke on the Character and Fitness Commission. He also disclosed that he has spoken with Rick Williams and Veronika Fabian regarding the application process.

Tracy Munsil disclosed that she spoke to Rick Williams and Jared Holland regarding the application process.

Kathryn Townsend disclosed that she spoke to Veronika Fabian, Jared Holland and Rick Williams. She also disclosed that she responded to a text message from Jared Holland after the application period closed and informed him that he had sent the message inadvertently.

Linley Wilson disclosed that she spoke to Veronika Fabian, Jared Holland and Rick Williams about the application process.

Chief Justice Brutinel disclosed that in the past he practiced with Andrew Becke and knows him well. He has also served in the Civil Justice Task Force with Veronika Fabian and in different committees with Brian Furuya including the Arizona Judicial Council. Chief Justice Brutinel also disclosed that he appointed Joseph Goldstein as a judge pro tem in Yavapai County and knows Judge Robert Higgins from Navajo County. Christopher Kottke used to be law partners with his wife about 15 year ago and knows Judge Rick Williams from Mohave County.

Approval of Minutes

Chief Justice Brutinel asked if any member wished to submit changes or additions to the draft minutes of the March 12, 2020 meeting. It was moved that the minutes be approved as submitted. The motion was seconded and passed unanimously.

Discussion of Applicants

Chief Justice Brutinel opened to floor for discussion of applicants' qualifications. The Commission took turns discussing the applicants at random order.

Kathryn Townsend moved to interview all applicants including **Andrew Becke, Veronika Fabian, Brian Furuya, Joseph Goldstein, Raymond Hanna, Robert Higgins, Jared Holland, Christopher Kottke, Benjamin Kreutzerg, Serena Serassio and Rick Williams**. The motion was second and passed by a vote of 11-2-2 with Ammon Barker and Chief Justice Brutinel abstaining.

Discussion of Interview Schedule

The Commission addressed the logistics of the pending interviews.

The Commission decided that the meeting to conduct interviews on October 20, 2020 would begin at 8:30 a.m. and that interviews would be scheduled at 20-minute intervals. Chief Justice Brutinel explained that staff would assign due diligence assignments and email the Commission. The Commissioners will report their findings at the interview meeting on October 20.

At 9:57 a.m., it was moved that the meeting be adjourned. The motion was seconded and passed unanimously.